

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKJAMES LYNCH

13CV6198

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

POLICE COMM. RAYMOND KELLY;POLICE OFFICER WHITE MALE JOHNDOE #1, 77PCT; POLICE OFFICERBLACK MALE JOHN DOE #2, 77 PCT;BLACK MALE POLICE OFFICER, JOHN DOE#3, 77 PCT; POLICE OFFICER BLACK MALE,JOHN DOE #4, 77 PCT; POLICE OFFICER,BLACK MALE, JOHN DOE #5, 77 PCT;ASSISTANT DISTRICT ATTORNEY, KINGSCOUNTY CRIMINAL COURT JOHN DOE #6.

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)Jury Trial: ☐ Yes ☐ No
(check one)

Parties in this complaint:

List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name JAMES LYNCHID # 4411211717Current Institution A.M..C.Address 18-18 HAZEN ST.EAST ELMHURST N.Y. 11370

B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name POLICE COMM. RAYMOND KELLY Shield # Where Currently Employed POLICE HEADQUARTERSAddress ONE POLICE PLAZA
NEW YORK, N.Y. 10007RECEIVED
CLERK OF COURT
SEP - 3 10 2 34
SOUTHERN DISTRICT OF NEW YORK

Defendant No. 2 Name POLICE OFFICER WHITE MALE JOHN DOE #1 Shield #
 Where Currently Employed 77TH PRECINCT
 Address 127 UTICA AVENUE
BROOKLYN, N.Y. 11227

Defendant No. 3 Name POLICE OFFICER BLACK MALE JOHN DOE #2 Shield #
 Where Currently Employed 77TH PRECINCT
 Address 127 UTICA AVENUE
BROOKLYN, N.Y. 11227

Defendant No. 4 Name POLICE OFFICER BLACK MALE JOHN DOE #3 Shield #
 Where Currently Employed 77TH PRECINCT
 Address 127 UTICA AVENUE
BROOKLYN, N.Y. 11227

Defendant No. 5 Name POLICE OFFICER BLACK MALE JOHN DOE #4 Shield #
 Where Currently Employed 77TH PRECINCT
 Address 127 UTICA AVENUE
BROOKLYN, N.Y. 11227

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?
NOT APPLICABLE

B. Where in the institution did the events giving rise to your claim(s) occur?
NOT APPLICABLE

C. What date and approximate time did the events giving rise to your claim(s) occur?
AROUND MARCH 14 TO 16, 2012 AT APPROXIMATELY 1:00 P.M.

D. Facts: BETWEEN MARCH 14, TO 16, 2012 AT APPROXIMATELY 1:00 P.M. COMING BACK FROM MY METODONE PROGRAM ST. VINCENT'S PROGRAM, I WAS STOPPED BY DEFENDANT, WHITE MALE POLICE OFFICER JOHN DOE #1, AND THE OTHER FOUR BLACK JOHN DOE POLICE OFFICERS OF THE 77TH PRECINCT, WITHOUT PROBABLE CAUSE, BUT FOR THE SOLE PURPOSE TO HARASS, AND UNLAWFULLY IMPRISON. THEY REMOVED MY NAPSACK OFF OF MY BACK WHERE I KEPT MY METHADONE BOTTLES, AND POINTED OUT AN OUTDATED BOTTLE BY AT LEAST THREE(3) YEARS, AND DEFENDANT WHITE MALE POLICE OFFICER JOHN DOE #1 STATED IN SUBSTANCE " I AM GOING TO LOCK YOU UP FOR THIS BOTTLE" EVEN THOUGH IT HAD MY NAME ON IT, AND I CLEARLY EXPLAINED TO ALL THE DEFENDANT JOHN DOE POLICE OFFICERS THAT I HAD JUST RETURNED FROM MY METHODONE PROGRAM, AND THAT I WAS LEGGALLY CERTIFIED TO OBTAIN, AND CARRY SAID METHODONE BOTTLES. WITHOUT WARNING AND/OR GIVING ME MY MIRANDA RIGHTS I WAS CUFFED UNLAWFULLY DETAINED, AND TAKEN TO THE 77TH PRECINCT WHERE I WAS UNLAWFULLY DETAINED IN A HOLDING CELL THAT REEKED OF URINE, FECES FOR THE NEXT THIRTY-SIX(36) HOURS, WITHOUT ANYTHING TO EAT, AND/OR DRINK. I REQUESTED A LAWYER, WHICH WAS DENIED AFTER SEVERAL REQUESTS, THUS VIOLATING MY DUE PROCESS RIGHTS 14TH RIGHT TO COUNSEL. I WAS KEPT IN THAT RAUNCHY CELL IN A MALICIOUS, AND SADISTIC MANNER BY ALL THE POLICE OFFICER DEFENDANTS.

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. LOSS OF FREEDOM, NAME SLANDERED, AND REPUTATION

IN THE COMMUNITY AS A LAW ABIDING CITIZEN, FEAR OF FUTURE RETALIATION BY ANY NYPD OFFICER THROUGHOUT THE FIVE(5) BOROUGHES. NIGHTMARES, COLDSWEATS ANXIETY ATTACKS, EMOTIONALLY SCARRED LOSS OF WAGES, FEAR OF HAVING SEIZURES WHILE IN CUSTODY OF THE DEFENDANTS, WHO DENIED PLAINTIFF ACCESS TO MEDICAL STAFF, BECAUSE HE WAS WITHOUT HIS SEIZURE MEDIATION.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?
☒ Yes ☐ No

THE FOLLOWING DAY, I WAS TAKEN TO KINGS COUNTY CRIMINAL COURT, WHERE AFTER BEING FALSELY ACCUSED, I WAS DETAINED, AND MALICIOUSLY PROSECUTED BY THE DEFENDANT ASSISTANT DISTRICT ATTORNEY JOHN DOE #5. I WAS THEN RELEASED ON MY OWN RECOGNANCE, AND SUBSEQUENTLY THE CASE FOR THE ALLEGED FALSE ARREST WAS DISMISSED, WHEN THE JUSTICE OF THE KINGS COUNTY CRIMINAL COURT DISMISSED THE MATTER, BECAUSE HE LEARNED AS I CLEARLY EXPLAINED TO THE POLICE OFFICERS DEFENDANTS THAT I WAS, IN FACT, AUTHORIZED TO HAVE AND POSSESS THAT PARTICULAR METHUEN BOTTLE THAT THEY FALSELY ACCUSED ME OF HAVING RESIDUE IN VIOLATING MY FOURTH, EIGHTH, AND FOURTEENTH AMENDMENTS RIGHTS, GUARANTEED BY THE UNITED STATES CONSTITUTION OF THE UNITED STATES, WITH NO PROBABLE CAUSE TO ARREST, UNLAWFUL IMPRISONMENT, SUBJECTED TO CRUEL, AND UNUSUAL PUNISHMENT BY HOLDING ME IN A CELL WITH SQUALID LIVING CONDITIONS THAT VIOLATE THE MINIMUM STANDARDS OF THE BOARD OF CORRECTIONS IN GIVING ALL DETAINEES IN THEIR CARE, CUSTODY, AND CONTROL REASONABLE ASSURANCE OF CARE THAT DOES NOT RISE TO THE LEVEL OF TORTURE AND IMPLICATE NEGATIVE VALUES OF HUMAN RIGHTS, AND CAUSE TO DISCRIMINATE AGAINST ONE, BECAUSE OF THE COLOR OF HIS SKIN, WHICH WAS THE SOLE PURPOSE OF HIS ARREST. DEFENDANT POLICE COMMISSIONER DEFENDANT RAYMOND KELLY IS LIABLE IN THAT BEING RESPONSIBLE FOR THE ACTS OF HIS SUBORDINATES, FAILED TO EITHER TEACH, AND/OR TRAIN THE POLICE OFFICERS DEFENDANTS HOW TO GATHER EVIDENCE, AND MAKE ARRESTS THAT IN FACT ARE OUTSIDE THE SCOPE OF THE CONSTITUTION THAT GIVES RISE TO A CITIZENS LIBERTY INTEREST, WITH THE HIGHEST STANDARDS OF INTEGRITY. FINALLY, PLAINTIFF WAS DENIED MEDICAL ATTENTION FOR HIS SEIZURE CONDITION, WHILE IN CUSTODY OF THE DEFENDANTS OF THE 77TH PRECINCT. JEOPARDIZING HIS HEALTH AS WELL, AND BEING DELIBERATE INDIFFERENT TO A SERIOUS MEDICAL NEED, WHICH PUT HIS LIFE AT RISK, AND IN DANGER WHICH COULD HAVE ESSENTIALLY LEAD TO DEATH.

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). 77TH PRECINCT, KINGS COUNTY CRIMINAL COURT

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes No XX Do Not Know

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes No XX Do Not Know
NOT APPLICABLE

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes No XX

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes XX No

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance? 77TH PRECINCT/COURT APPEARANCES TO LAWYER

1. Which claim(s) in this complaint did you grieve?
ALL OF THEM

2. What was the result, if any?
NO ONE ANSWERED OR RESPONDED, BUT CASE WAS EVENTUALLY DISMISSED

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. DEFENSE LAWYER VERBALLY AT ALL COURT APPEARANCES

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: BECAUSE I AM A LAYMAN TO THE LAW

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any: _____

DURING ALL COURT PPEARANCES I INFORMED THE JUSTICE
OF THE KINGS COUNTY CRIMINAL COURT

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. _____

I WAS DISTRAUGHT BY BEING UNLAWFULLY IMPRISONED, AND IN FEAR
OF MY LIFE FROM BEING IN THAT CELL IN THE PRECINCT IN SUCH
INHUMANE CONDITIONS(FECES AND URINE.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). _____

PLAINTIFF SEEKS DAMAGES FROM ALL THE
DEFENDANTS NAMED HERIN IN THEIR INDIVIDUAL, AND OFFICIAL
CAPACITY IN PAIN AND SUFFERING FROM THE FALSE ARREST, AND
UNLAWFUL IMPRISONMENT IN THE AMOUNT OF ONE(1) MILLION DOLLARS,
PLAINTIFF SEEKS PUNITIVE DAMAGES TO PROTECT HIMSELF AND OTHER
INNOCENT CITIZENS FROM FALSE ARRESTS BY THE 77TH PRECINCT,
AND ANY OTHER PRECINCT IN THE FIVE(5) BOROUGHS IN THE AMOUNT OF
ONE(1) MILLION DOLLARS, FINALLY PLAINTIFF SEEKS COMPENSATORY
DAMAGES IN THE AMOUNT OF ONE(1) MILLION DOLLARS FOR A SUBTOTAL
OF THREE(30) MILLION DOLLARS. PLAINTIFF ALSO REQUESTS THAT
THIS COURT ORDER THE DEFENDANT POLICE COMMISSIONER RAYMOND
KELLY TO ADOPT A POLICY THT WHEN THESE OFFICERS OF THE NEW YORK
CITY POLICE DEPARTMENT MAKE ARRESTS, THEY DO A THOROUGH PRIOR
INVESTIGATION, AND GATHER EVIDENCE THAT STRONGLY SUGGESTS THAT
SOMEONE OF COLOR HAS COMMITTED SAID CRIME, AND THAT THEIR
MIRANDA RIGHTS ARE PROTECTED, AND RIGHT TO COUNSEL IS PROVIDED

VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? _____

Yes ____ No XX

On
these
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff NOT APPLICABLE

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) NOT APPLICABLE

3. Docket or Index number

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

NOT APPLICABLE

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes _____ No X X

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff NOT APPLICABLE

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 24 day of JULY, 2013.

Signature of Plaintiff

Inmate Number

Institution Address

James Lynch
4411211717
18-18 HAZEN ST, A.M.K.C.
EAST ELMHURST, N.Y. 11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 24 day of JULY, 2013, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

James Lynch
JAMES LYNCH